

**ORDINANCE NO. 9
SERIES 2022**

**AN ORDINANCE CORRECTING VARIOUS SECTIONS OF TITLE 12 OF
THE VAIL TOWN CODE TO REFLECT CHANGES IN STATE LAW**

WHEREAS, the Town seeks to maintain an accurate municipal code, substantive changes were made to various Title 12 zoning regulations; and

WHEREAS, the Town wishes to have accurate guidelines regarding geologically sensitive areas and development.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF VAIL, COLORADO, THAT:**

Section 1. Section 12-2-2 of the Vail Town Code is hereby amended as follows:

12-2-2: DEFINITIONS OF WORDS AND TERMS:

For purposes of this Title, the following terms shall have the following meanings: ~~When used in this title, the words and phrases contained in this title shall have the specific meanings as defined in this section.~~

* * *

FRACTIONAL FEE CLUB UNIT: An individual dwelling unit in a fractional fee club described as such in the project documentation and not an accommodation unit within the fractional fee club. No offer of a fractional fee club unit shall be made except pursuant to an application for registration and certification as a subdivision developer of a timeshare program or an exemption from registration approved by the State of Colorado Real Estate Commission pursuant to ~~Colorado Revised Statutes 12-61-401 et seq.,~~ C.R.S. § 12-10-501, et seq., and the rules and regulations promulgated pursuant thereto. Within ten (10) days after receipt of a written request, the developer of a fractional fee club unit shall provide to ~~the staff of the~~ Department of Community Development a copy of the application or request for exemption filed with the State of Colorado Real Estate Commission ~~and/or~~ evidence of approval of the application or request for exemption.

* * *

Section 2. Section 12-21-2 of the Vail Town Code is hereby amended as follows:

12-21-2: DEFINITIONS:

For ~~the~~ purposes of this Chapter, the following terms shall have the following meanings ~~words contained in this section are defined as follows:~~

* * *

START OF CONSTRUCTION (for other than new construction or Substantial Improvements Under The Coastal Barrier Resources Act (~~Pub. L. No. 97-348~~ 16 U.S.C. § 3501, et seq.)): ~~Includes~~ Substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means: ~~either~~ the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings; the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include: land preparation, such as clearing, grading and filling; ~~nor does it include~~ the installation of streets and/or walkways; ~~nor does it include~~ excavation for basement, footings, piers or foundations or the erection of temporary forms; ~~nor does it include~~ or the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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Section 3. Section 12-21-13.B.1 of the Vail Town Code is hereby amended as follows:

12-21-13: RESTRICTIONS IN GEOLOGICALLY SENSITIVE AREAS:

* * *

B. Investigation:

1. In any area located within the boundaries of the Lincoln DeVore map, or in any area identified as a debris flow or debris avalanche area by the Mears map, or in any area identified as a rockfall area by the Schmueser map, no initial application for a building permit, grading permit or major or minor subdivision shall be approved until a site specific geologic investigation is complete. For the purposes of this Section, a site specific geologic investigation shall be deemed a detailed geologic investigation which is applicable to each respective site. All reports and studies required by this Section shall be prepared by a "professional geologist", as defined by ~~Colorado Revised Statutes section 34-1-01~~ C.R.S. § 23-41-208, as amended, or a "registered professional engineer", as defined by ~~Colorado Revised Statutes section 12-25-102~~ C.R.S. § 12-120-202, as amended,

under the direction of and at the expense of the owner/applicant and submitted to the Department of Community Development.

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Section 4. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5. The Council hereby finds, determines and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 6. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 7. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this ____ day of _____, 2022 and a public hearing for second reading of this Ordinance set for the ____ day of _____, 2022, in the Council Chambers of the Vail Municipal Building, Vail, Colorado.

Kim Langmaid, Mayor

ATTEST:

Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED this ____ day of _____, 2022.

Kim Langmaid, Mayor

ATTEST:

Tammy Nagel, Town Clerk